

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA

v.

MARCOS GREGORIO MATEO,

Defendant.

Case No. 1:22-MJ-313

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT AND ARREST WARRANT

I, Donovan Wright, being duly sworn, state the following:

1. I am a Deportation Officer with United States Immigration and Customs Enforcement (“ICE”), Enforcement and Removal Operations (“ERO”) in Fairfax County, Virginia. I have been employed with ICE since September of 2015. During this time, I have received specialized training and have conducted numerous investigations relating to administrative and criminal violations of the Immigration and Nationality Act and Title 8 of the United States Code. I was previously a sworn law enforcement officer in Virginia and Michigan for 11 years.

2. My duties as a Deportation Officer with ICE include investigating administrative and criminal violations of the Immigration and Nationality Act and Title 8 of the United States Code. My duties also include seeking, when applicable, prosecution and removal of violators. I have received training in general law enforcement, including training in Title 8 of the United States Code.

3. This affidavit is submitted in support of a criminal complaint and arrest warrant charging MARCOS GREGORIO MATEO (hereinafter referred to as MATEO), with being an

alien found in the United States after being denied admission, excluded, deported, or removed, or having departed the United States while an order of exclusion, deportation, or removal was outstanding, in violation of Title 8, United States Code, Section 1326(a).

4. The facts and information contained in this affidavit are based upon my training and experience, participation in immigration investigations, personal knowledge, and observations during this investigation, as well as the observations of other agents involved in this investigation. This affidavit contains information necessary to support probable cause but is not intended to include each and every fact and matter observed by me or known to the United States.

SUMMARY OF FACTS TO SUPPORT PROBABLE CAUSE

5. On or around October 15, 2022, ICE learned that MATEO was incarcerated at the Rappahannock Regional Jail (“RRJ”) after he was arrested for assault and battery, in violation of Virginia code 18.2-57.2, malicious wounding, in violation of Virginia code 18.2-51, abduction by force, in violation of Virginia code 18.2-47 and burglary, in violation of Virginia code 18.2-91. The RRJ is in Stafford County, Virginia, within the Eastern District of Virginia.

6. MATEO’s fingerprints were captured at the RRJ via an electronic live-scan system. This system is integrated with criminal records maintained by the Federal Bureau of Investigation (“FBI”) and is commonly referred to as Next Generation Identification. The result of this query showed positive matches to MATEO and his Universal Control Number (“UCN”), which is a unique tracking number assigned to every set of fingerprints.

7. I reviewed documents from MATEO’s immigration alien file (commonly referred to as an “A file”) that is maintained by United States Citizenship and Immigration Services. In the A file, I observed one fully executed Immigration Service Form I-205 (Warrant of Removal/Deportation) that was executed on or around February 25, 2011, at or near Brownsville,

Texas. The I-205 contains MATEO's photograph, fingerprint, and signature. MATEO is a national of Mexico.

8. On October 18, 2022, I asked the FBI Special Processing Center to compare the fingerprints captured at the RRJ with the fingerprint on MATEO's I-205's dated for February 25, 2011. On October 18, 2022, the FBI matched the right index fingerprint from the I-205 dated for February 25, 2011, to MATEO, and his UCN.

9. MATEO's A file lacks evidence of an immigration benefit, document, or status that would allow him to enter, be admitted, pass through, or reside in the United States legally. Further, MATEO has neither sought nor obtained permission from the Attorney General of the United States or the Secretary of Homeland Security to re-enter the United States following his formal removal.

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10. Based on the foregoing, I submit there is probable cause to believe that on or about October 15, 2022, in Stafford County, Virginia, within the Eastern District of Virginia, MARCOS GREGORIO MATEO, an alien who was removed from the United States on or about February 25, 2011, at or near Brownsville, Texas, was found in the United States without having obtained the express consent of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States, in violation of Title 8, United States Code, Sections 1326(a).

Respectfully submitted,

Donovan Wright

Donovan Wright
Deportation Officer
Immigration and Customs Enforcement

Attested to by the applicant in accordance
with the requirements of Fed. R. Crim. P. 4.1
by telephone on (November 10th, 2022).

**John F.
Anderson**

Digitally signed by John F.
Anderson
Date: 2022.11.10 12:03:02
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Hon. John F. Anderson
United States Magistrate Judge
Alexandria, Virginia